

# California Statewide Conformity Working Group

3/8/2012 Teleconference:

## **Meeting Notes**

Times are from the agenda. Meeting moved considerably faster than planned and ended shortly after 11:00 AM.

### **9:00 AM Introductions; housekeeping; agenda review**

No changes to agenda.

### **9:05 AM Public Comment on matters not on the agenda**

No comments received.

### **9:10 AM Federal Updates**

#### EPA Regulatory Update

*Conformity Rule Restructuring Amendment:* Final Rule signed 2/16 and sent to Federal Register. Simplifies transition to new air quality standards. Final is a little different from the Proposed Rule; added analysis year is dropped.

SCAQMD: effective date? Requires new SIPs? EPA: no trigger for new SIPs. Only changes how transition to new NAAQS works. No new Conformity SIP trigger; no effect on consultation.  
EPA: Previously filed Conformity SIPs all reference old rule versions so they are unapprovable. EPA priorities driven by litigation for now but if somebody wants a Conformity SIP updated or acted on contact EPA.

*NAAQS Review Schedule Update:* EPA: watch ozone especially; just generally tracking others.

*Ozone 2008 std designations* to be final by April 30. 120day letters sent in December & public reviewed & commented. Feedback from CA: justification for splitting Mountain Counties & certification of 2011 data. American Lung Assoc. wants full counties regardless of air basin boundaries – also full OMB CMSAs – also wants all receiving areas included with source areas: so would make all Valley one area – or use CA air basins as n/a areas? Not sure EPA will be going there. Check docket for details.

*O3 Implementation Rule (classifications etc – Phase 1):* Chicago in August; all other areas April 30 (consent decree deadline). July probable effective date (publication+60). Includes classifications & revocation of 1997 std for conformity purposes. Class table based on %difference like last time, but retains higher class if currently classified based on voluntary bumpup for 1997.

CT: Do tribal changes affect modeling?

EPA: others at EPA need to talk about that.

*SIP Implementation rule (SIP contents, types, timing, 1997 revocation – Phase 2)* later but coming soon.

*Other things in the Phase 1 rule:* attainment years (use last 3 years – but if attainment date is midyear (tied to effective date) may cause problems with matching data years – prefer attainment date at end of calendar year allowing current-year ozone data to be used. Also affects when controls need to be in place.

Rule mainly just goes with calendar year. If midyear all requirements are backed to beginning of year – data ending previous year – controls year before that. So a midyear attainment date would be based on the previous year's design values & control measures not the current one. ALSO: 1997 standard revoked at effective date+1 year FOR CONFORMITY ONLY (other aspects of revocation would be in the Phase 2 rule in spring 2012).

Ventura: budgets etc for 1997 standard – include TCMs etc?

EPA: not in Phase 1 proposal – will consider in SIP proposal.

*SO2: no designations or letters yet.* Should have gone out on 2/3 for 6/3 CAA deadline. Will miss it; action may happen in Fall for SO2 primary 75ppb/1hr (2010). ARB requested attainment/full state – based on modeling vs monitoring? EPA will issue guidance not rule for SO2 standard; expect comments against modeling? Unclassifiable areas need 110a1 maintenance SIP w/controls – but doesn't affect conformity.

*PM:* new NAAQS to be proposed in June final in 2013. Will send updated NAAQS table.

*Conformity SIP schedules & issues:* EPA can't act on old ones – rely on wrong version of the regs. Could submit a new one & replace old. EPA needs to talk with each area to be sure things are organized correctly.

#### Imperial County sanctions

(CA Sanctions Clocks List handout)

First area in state to ever have actual highway sanctions (1990s sanctions were never fully applied). EPA has been working with affected parties. July 2010 partial disapproval of a fugitive dust rule results in 8/9/12 highway sanctions date.

*Process to implement:* FHWA, EPA, Imperial Co. CT, others have had conference calls. Developing list of projects that could go to DOT for approval. Operating on premise that sanctions will happen; even if issued cleared up in court right away there's no time to finish rule revisions & for EPA to approve before sanctions date. Now waiting for list of affected projects (draft circulating but not at FHWA yet). Will review list (possibly iterative) & hopefully approve by July.

CT/11: assuming June deadline for list.

FHWA/EPA: June is drop-dead. Imperial: working on which projects are not clearly exempt.

EPA: will be the first time in the country for sanctions in a non-trivial area.

FHWA: any report on oral arguments on the lawsuit?

EPA: Yes; sent to mediation. Since trigger was a rule not a plan, no conformity freeze/lapse.

SCAG: if court rules in favor of Imperial does it turn off sanctions?

EPA: not clear yet. One of several scenarios could be to throw out rule disapproval.

#### Significant Litigation & Other Matters

Key item: in January 2012 EPA received adverse decisions on SC, SJV SIPs for 1-hr O3. EPA is figuring out how to move forward. Could affect other Severe/Extreme areas. Biggest issue here is 182d1a offset to VMT – trying to figure out how to do it in a way that's practical.

SCAG: any timeline to respond? EPA: no specific schedule but will be reasonable. CT: TCMs part of the issue? EPA: yes; all one issue. Will need to do some kind of notice/comment action but not clear what yet.

#### Federal Highways & Other Updates

Introduced Cecelia Crenshaw – new member of FHWA team on rotation for 1 year – assisting Joseph Vaughn as AQ specialist.

### **10:15 AM ARB Updates**

#### *EMFAC 2011 status for project analysis*

ARB will be meeting with EPA regarding hotspot analysis with 2011. Will send draft to EPA after that. Still plan to have things resolved by end of year.

EPA: working on deadlines review – FHWA Latest Planning Assumptions cutoff at end of year. Working with ARB to clean up hotspots procedure – takes 3-6 mo after that to get action published.

Sonoma Tech: any comment on technical issues with hotspot? EPA: ARB is still working on the method – so the next meeting with them is to review that then update EPA guidance & documentation.

CT/7: FHWA conformity determinations for projects with E2007 ending at end/year? If 2011 not available until end of year then projects will still have 2007-based analysis. Does the FHWA planning assumptions cutoff apply to projects too? Sonoma Tech: is there a grace period? No answers at this time.

### **10:30 AM Break – not taken; finished meeting by 11:00 AM**

### **10:45 AM Caltrans Updates**

Conformity Status Table Update ([handout](#))

Use of [EMFAC 2011](#) instead of or in addition to CT-EMFAC (based on EMFAC 2007) – convert now for CEQA/NEPA but can't convert for conformity until EPA makes it available.

### **11:00 AM Status of Air Quality and Transportation Planning in California**

#### *MPO & Air District Status Discussion*

SANDAG: working on TIP update with both 2007 & 2011 to cover bases. December remains the goal for the FSTIP (SANDAG approval Sept-Oct). SDAPCD: SD attained the 1997 standard in 2011 – working on a Maintenance SIP for submittal this year. Going for redesignation to attainment even though nonattainment for 2008 standard expected next month in order to create new emission budgets for conformity.

SCAQMD: working on PM2.5 SIP – also w/EPA re VMT/growth issue. SCAG: new RTP finished with review – finalizing for adoption in April. Conformity budgets for PM2.5 already used in RTP; 1997 8hO3 used not 2008. Effective dates for PM2.5 after adoption but before FHWA. Also doing TCMs & transportation strategies for 2012 PM2.5 SIP for South Coast. Next FTIP draft to be released in July & adopt Sept.

Ventura: are the new budgets approved by EPA? SCAG: PM2.5 is effective now; 8hO3 in April.

SJV: similar to SCAG: 2 sets of new budgets (PM2.5 & O3) used in last 2011 amendments also in 2013 FTIP. 2007 works for FTIP; but can't work w/these budgets and E2011. Working with ARB to get budgets updated. Consultation & modeling for TIP going on – will be adopted in July & to CT Sept. Updating SB375 targets (existing provisional) using new transportation models – evaluating effects of new models on everything. Beginning work on next RTPs using new targets, conformity budgets, E2011. 2013 FTIP amend expected Q1 next year for 2008 ozone standard determination, then proceeding with 2014 RTPs.

SJVAPCD: doing 2012 SIP similar to SC – submitting by end/year.

Bay Area: no news.

Sacramento: adopting SCS/conformity next month. TIP – still investigating E2007 v 2011.

Sacramento AQMD: looking at possible attainment for PM2.5 – considering doing a maintenance SIP up front rather than attainment SIP.

### **11:45 AM Information Sharing**

Next meeting – September 2012 teleconference to be arranged via Doodle poll etc. as usual. Investigating web conferencing but not sure it will be available in time for next meeting.

### **12:00 Noon Adjourn (actual time about 11:00 AM)**